

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

LUIS C. RODRIGUEZ,

**CASE NO. CV F 08-0802 LJO
CR F 05-0063 LJO**

Petitioner/Defendant,

BRIEFING ORDER

VS.

UNITED STATES OF AMERICA,

Respondent/Plaintiff.

Petitioner Luis C. Rodriguez (“Mr. Rodriguez”) filed a direct appeal and a petition for writ of habeas corpus (“petition”) after an August 2, 2007 judgment and commitment against him. The United States Court of Appeal for the Ninth Circuit (“Ninth Circuit”) construed Mr. Rodriguez’s petition as a 18 U.S.C. § 2255 (“Section 2255”) motion and transferred that matter to this Court for determination. This Court suspended the Section 2255 briefing schedule until the direct appeal was resolved.

On May 12, 2009, the Ninth Circuit issued its mandate in the appeal, pursuant to an April 17, 2009 memorandum decision affirming the decision of this Court. On May 15, 2009, the United States filed a status report, as directed by this Court's January 13, 2009 order. The United States suggests that this Court place the pending Section 2255 motion on its calendar. This Court agrees. As such, this Court ORDERS:

1. The United States of America, **no later than June 8, 2009**, to file and serve its response to the petition and the petition's merits; and
2. Mr. Rodriguez, **no later than June 22, 2009**, to file and serve reply papers, if any.

This Court will review the matter on the record and set a hearing, if necessary, once all papers are filed. If no hearing is necessary, this Court will issue a ruling based on the submitted papers, exhibits, and the record.

IT IS SO ORDERED.

Dated: May 18, 2009

/s/ Lawrence J. O'Neill

UNITED STATES DISTRICT JUDGE